

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON DIVISION

Randy Turner,

Plaintiff,

vs.

Alvin S. Glenn Detention Center,

Defendant.

Civil Action No. 8:04-22490-MBS-BHH

REPORT OF MAGISTRATE JUDGE

The plaintiff brought this action seeking relief pursuant to Title 42, United States Code, Section 1983.

On December 1, 2004, the defendant filed a motion for summary judgment. By order filed December 7, 2004, pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), the plaintiff was advised of the summary judgment procedure and the possible consequences if he failed to respond adequately. On December 15, 2004, the plaintiff filed a motion for extension of time to respond, which was granted through January 31, 2005. On December 30, 2004, and again on January 7, 2005, the plaintiff filed motions to amend his complaint by adding additional defendants. By order of this court filed March 7, 2005, the court denied the January 7th motion, but granted the December 30th motion to amend and gave the plaintiff through March 30, 2005, to file his amended complaint. A copy of this order was mailed to the defendant at his last known address (Alvin S. Glenn Detention Center, 201 John Mark Dial Drive, Columbia, SC 29209). On March 29, 2005, the envelope containing this order was returned to the court as undeliverable, marked "No Longer at this Address."

The record reveals that the plaintiff was advised by order dated October 14, 2004, of his responsibility to notify the court *in writing* if his address changed.

Based on the foregoing, it appears the plaintiff no longer wishes to pursue this action. Accordingly, it is recommended that this action be dismissed for lack of prosecution.

s/Bruce H. Hendricks
United States Magistrate Judge

June 1, 2005

Greenville, South Carolina